

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: August 9, 2006
Re: **REZONING: I-2, Light Industrial District to R-4C, Medium-High Density Multi-Family Residential District (Conditional) at 1404 and 1608 Wards Ferry Road**

I. PETITIONER

Bragg Builders, Inc., 1097 Knight Bridge Way, Forest, VA 24551

Representative: Ty Mosby, Berkley Howell & Associates, 306 Enterprise Drive Suite C, Forest, VA 24551

II. LOCATION

The subject properties are located at 1401 and 1608 Wards Ferry Road, and total approximately seven and ninety-one hundredths (7.91) acres.

Property Owners: L & M Properties, LLC, 3300 Hollins Road, N.E., Roanoke, VA 24012

III. PURPOSE

The purpose of this petition is to allow construction of fourteen (14) townhouse buildings, totaling one-hundred and three (103) units [for sale], with associated parking and recreational areas.

IV. SUMMARY

- The *Comprehensive Plan* recommends an Office Use for this area for this area. Adjacent land uses as designated by the Future Land Use Map include a combination of Medium-Density Residential, High-Density residential, Public Use, and Regional Commercial.
- Petition agrees with the Zoning Ordinance in that townhomes are allowed in an R-4, Medium-High Density Multi-Family Residential District.
- Petition proposes the construction of a fourteen (14) building, one-hundred and three (103) unit townhouse complex, including associated parking and recreational areas.

The Planning Division recommends approval of the rezoning.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Office use in this area. Office uses are intended for small-scale office buildings with floor plans not exceeding twenty thousand (20,000) square feet and buildings not exceeding four stories. Medium Density Residential, High Density Residential and Regional Commercial uses are also designated within the vicinity of this property. Medium Density Residential uses are characterized by small-lot single family detached housing, duplexes, and townhouses with densities up to 12 units per acre. The proposed development would have a density of approximately thirteen (13) units per acre.

The Future Land Use Map [FLUM] is not intended to be parcel specific. Currently land uses include a combination of duplexes, industrial, commercial and vacant public use properties adjacent to the site. Given existing zoning and adjacent land use patterns, the proposed residential use is suitable for the property.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing I-2, Light Industrial zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 - 1) The property will be developed as multi-family residential townhomes with a maximum of 103 units in substantial compliance with the Preliminary Site Plan for Rezoning College Square at Wards Ferry prepared by Berkley-Howell & Associates, P.C. and dated August 1, 2006.
 - 2) The existing mature hardwoods will be preserved as much as possible in the common areas. Evergreens (such as Leyland Cypress) will be planted to provide additional screening if needed.
 - 3) The developer agrees to abide by the new landscape ordinance (Sect. 35.1-25.1) for this entire development.
 - 4) All townhomes will be custom built and bricked or vinyl architectural design.
 - 5) Private street lights will be placed on the property using low glare bulbs.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the project as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 5/09/2000: City Council approved Old Time Gospel Hour's conditional use permit petition to allow filling of a floodplain for the construction of a restaurant and parking area.
 - 7/13/1999: City Council approved Hurt & Proffitt's petitions to rezone eleven (11) acres at Wards Road and Harvard Street from I-2, Light Industrial District, and R-C, Resource Conservation District, to B-3C, Community Business District (Conditional) to allow retail use of the property and a conditional use permit to fill in a floodplain to allow construction of a restaurant and a speculative retail building.
 - 1/26/1999: City Council approved Faison/Trammel Crow Company's petition to rezone fifty-eight acres (58) along Wards Road, Wards Ferry Road and Atlanta Avenue from R-3, Medium Density Two-Family Residential District, R-4, Medium-High Density Multi-Family Residential District, and R-5, High Density Multi-Family Residential District, to B-5C, General Business District (Conditional), and a petition for a conditional use permit to fill in a floodplain to allow the construction of a shopping center and parking.
 - 4/8/1997: City Council approved Wal-Mart Stores Inc.'s conditional use permit petition to allow filling of a floodplain for construction of a parking area at 3900 Wards Road.
 - 7/14/1992: City Council approved Sam's Club's petition to amend a previously approved site plan and proffers by rezoning approximately twenty-one and eight tenths (21.8) acres at 3900 Wards Road from B-3C, Community Business District (Conditional), to B-3C, Community Business District (Conditional) to allow the construction of a retail store and parking lot.
 - 6/14/1988: City Council approved Barry Dotson & Associates' petition to rezone approximately thirty-one (31) acres at 3900 Wards Road from I-2, Light Industrial District to

B-3C, Community Business District (Conditional) and a petition for a conditional use permit to fill in a floodplain to allow the construction of a shopping center and parking lot.

6. **Site Description.** The subject properties currently include a trailer, parking lot, outbuilding, and a garage. All of the structures except for the outbuilding will be demolished and removed for the construction of the development. The property is bounded to the north by Central Virginia Community College, to the east by Walmart, to the south by an automotive shop, and to the west by Wards Ferry Road and multi-family residential units.
7. **Proposed Use of Property.** The purpose of the rezoning request is to allow construction of a fourteen (14) building, one-hundred and three (103) unit townhouse community. Building materials for the two-story, single-family attached homes will be vinyl and brick. Sidewalks will connect the townhouses to the common areas of the development. The petitioner has proffered to comply with the requirements of the City's landscape ordinance (Sect. 35.1-25.1).
8. **Traffic and Parking.** The City's Traffic Engineer required a traffic study to determine what improvement, if any, will be required to handle additional traffic. Following his review of the study, he determined the following:
 1. **The southern entrance should be moved across from College Park Drive. The entrance as shown on the plan is not aligned, nor is it far enough away to allow safe ingress/egress from either the driveway or College Park Drive.**
 2. **The northern entrance should be moved approximately one hundred (100) feet to the north to provide more distance between the driveways and to maximize sight distance.**

The petitioner revised their site plan to align the southern entrance with College Park Drive and moved the northern entrance in accordance with the recommendations. The City's Traffic Engineer has reviewed the revised plan and determined that the new layout is acceptable.

Parking requirements for the proposed townhouses are set at two and a half (2.5) spaces per unit by the City's Zoning Ordinance; the one hundred and three (103) townhouses units require two hundred fifty-eight (258) parking spaces. The site plan indicates that two hundred sixty-six (266) parking spaces will be provided for the townhouses, thus meeting the requirement of City Code.

9. **Storm Water Management.** Runoff on the property currently discharges to a natural drainage swale that bisects the site. The swale runs easterly to the Wal-Mart Real Estate property. On the Wal-Mart property, runoff flows down a steep slope via a combination of excavated rock channel, twenty-one (21) inch culvert, concrete and rip-rap flume to a thirty-six (36) inch culvert which is the beginning of Wal-Mart Stormwater infrastructure.

The development of the College Square Townhouse project will result in the increase in stormwater runoff. A stormwater management facility will be designed in the natural swale to store the difference in the ten (10) year post development and ten (10) year pre development and release at the pre development two (2) and ten (10) year ratio respectively. The stormwater management facility releases to an existing natural channel that the designer has determined to be adequate. Additional calculations for the Wal-Mart property show that the combination of excavated rock channel, twenty-one (21) inch culvert, concrete and rip-rap flume and thirty-six (36) inch culvert are adequate. Water quality will be addressed by a combination of use of landscaping, preserved existing vegetation, and a vegetated stormwater management facility. The proposed management strategy is acceptable to the City's Environmental Planner.

10. **Emergency Services.** The City's Fire Marshal had no comments regarding the rezoning for the proposed townhouse development.

The City Police Department had no comments on the proposed townhouse development.

11. **Impact.** The development of the fourteen (14) building, one-hundred and three (103) unit townhouse community and associated parking will have limited impacts on the surrounding neighborhood. The design and layout of the buildings are acceptable to the Planning Division

The petitioner has proffered to comply with the City's current landscape ordinance, even though the project was submitted prior to the new ordinance taking effect. The current landscape ordinance will require parking lot landscaping, parking lot screening, foundation plantings, street trees and utility area screening. In addition, the petitioner has proffered to retain much of the existing vegetation around the existing drainage swale that bisects the site. This vegetation will provide not only the added stormwater quality benefit of a vegetative buffer but help maintain the channel's stability.

A traffic study was completed by the petitioner at the request of the City. Following his review, the City's Traffic Engineer required that the southern entrance to the site line up with College Park Drive and that the northern entrance be moved as far north as possible to maximize the site distance between the driveways. The petitioner revised their site plan in accordance with the recommendations and the City's Traffic Engineer determined that the new layout is acceptable.

New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. A stormwater management facility will be designed within a drainage swale that currently bisects the site. The stormwater management facility will detain the increased stormwater volume and release to an existing natural channel that the designer has determined to be adequate. Water quality will be addressed by a combination of use of landscaping, preserved existing vegetation, and a vegetated stormwater management facility. The proposed management strategy is acceptable to the City's Environmental Planner.

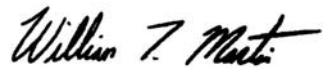
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on June 20, 2006. Comments related to the proposed plan use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMEND MOTION(S):

That the Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Bragg Builders, Inc.'s petition to rezone approximately seven and ninety-one hundredths (7.91) acres at 1401 and 1608 Wards Ferry Road from I-2, Light Industrial District to R-4C, Medium-High Density Multi-Family Residential District (Conditional) with the voluntary submitted proffers.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Capt. Michael L. Thomas, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Ty Mosby, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Site Plan**
- 4. Proffers**
- 5. Building Elevations**